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OPPENHEIMER WOLFF & DONNELLY LLP 2029 CENTURY PARK EAST SUITE 3800 ATTN GEORGE L FOUNTAIN			EXAMINER	
			GARCIA OTERO, EDUARDO	
LOS ANGELI	ES, CA 900673024		ART UNIT	PAPER NUMBER
			2123	

DATE MAILED: 11/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)	1			
	09/438,856 MEARES, LAWRENCE G					
Office Action Summary	Examiner	Art Unit				
	Eduardo Garcia-Otero	2123				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period w Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status	86(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
1) Responsive to communication(s) filed on 12 N	<u>lovember 1999 and 16 January 2</u>	<u> 2001</u> .				
2a) This action is FINAL . 2b) ⊠ Thi	s action is non-final.					
3) Since this application is in condition for allowa closed in accordance with the practice under <i>l</i> Disposition of Claims						
4) Claim(s) 1-18 is/are pending in the application						
4a) Of the above claim(s) is/are withdraw	vn from consideration.					
)☐ Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-18</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or	election requirement.					
Application Papers						
9)⊠ The specification is objected to by the Examiner						
10)⊠ The drawing(s) filed on <u>12 November 1999</u> is/ar		·				
Applicant may not request that any objection to the	- · · · · · · · · · · · · · · · · · · ·	• •				
11) The proposed drawing correction filed on		ved by the Examiner.				
If approved, corrected drawings are required in rep 12) The oath or declaration is objected to by the Exa						
	animer.					
Priority under 35 U.S.C. §§ 119 and 120	material consider OF LLOO 0 8 440(-)	. (4) (6)				
13) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:	priority under 35 U.S.C. § 119(a))-(a) or (t).				
, <u> </u>	have been received					
1. Certified copies of the priority documents2. Certified copies of the priority documents		an Na				
Copies of the certified copies of the priori application from the International Burn See the attached detailed Office action for a list of	ty documents have been receive eau (PCT Rule 17.2(a)).	d in this National Stage				
14) Acknowledgment is made of a claim for domestic	priority under 35 U.S.C. § 119(e) (to a provisional application).			
a) ☐ The translation of the foreign language prov 15)☐ Acknowledgment is made of a claim for domestic						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal P	(PTO-413) Paper No(s) atent Application (PTO-152)				
Detect and Table 1 Off						

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DETAILED ACTION: Non-final

Introduction

- Title is: SYSTEM AND METHOD OF PROVIDING ADDITIONAL CIRCUIT ANALYSIS USING SIMULATION TEMPLATES
- 2. First named inventor is: MEARES
- 3. Claims 1-18 have been submitted, examined, and rejected.
- 4. This is the first office action on the merits.

<u>Index</u>

- 5. **Tucker** refers to The Computer Science and Engineering Handbook, by Allen B. Tucker, Jr., CRC Press, ISBN 0-8493-2909-4, 1996, Page 862-863 sensitivity analysis, and Page 2348 simulation models.
- 6. **Bair** refers to US Patent 5,278,769.
- 7. **Beyer** refers to Handbook of Mathematical Sciences 5th Edition, by William H. Beyer, CRC Press, ISBN 0-8493-0655-8, 1978, Page 726 Mean Deviation, and Page 727 Standard Deviation, and Page 727 Root Mean Square.

Information Disclosure Statement-replete with defects

- 8. The IDS is replete with defects.
- 9. **Item W** states pages "93-100", but only pages 98-100 are submitted. This correction has been made on the IDS by the Examiner. Apparently the first portion of the publication is missing. Only the submitted pages have been considered.
- 10. Item Y on page 2 of the IDS is incompletely listed. It appears that the third line of the document description has been cut off. The missing descriptive data is not present on the

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submitted publication. This publication has been considered by the Examiner, but Applicant is requested to submit the missing descriptive data for item Y.

- 11. **Item AA** states "Fault Accountability Matrix Table". However, the item apparently submitted as AA is a table titled "COMPONENT FAILURE MODES", and consists of 3 pages with failure modes for 33 items. There is a handwritten "No. 7" at the top of the first page. The "Fault Accountability Matrix Table" listed in the IDS has not been considered. The table "COMPONENT FAILURE MODES" is considered, and is listed by the Examiner, in Form 892 List of references cited, and a copy is provided to the Applicant.
- 12. Item AB, AC, and AG on page 2 of the IDS also apparently have the third line of the document description cut off, and thus are incompletely listed. The Examiner has corrected the IDS for items AB, and AC by adding the missing descriptions taken from the submitted publications. However, Item AG has not been corrected because the missing description is not present on the submitted publication. Please submit this missing description for item AG.
- 13. **Item AD** states "IsSpice4 User's Guide", but only 3 pages are submitted (the pages with bibliographic information). The IDS has been corrected to state only 3 pages.

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- 14. **Item AH** is missing, and has not been considered.
- 15. **Item AI** states "SMPS Simulation with SPICE", but only 3 pages are submitted (the pages with bibliographic information). The IDS has been corrected to state only 3 pages.
- 16. Thus, the IDS submitted 1/16/01 has been carefully considered, and carefully corrected. Please note that items AA and AH have not been submitted and thus have not been considered.

Drawings-draftperson objection

17. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed. Specifically, see the enclosed Form 948, Notice of Draftperson's Drawing Patent Review which objects to the drawings.

Drawings-other objections

- 18. The drawings are objected to. Figures 2 and 3 are inconsistent with the Specification.
- 19. Regarding FIG 2. Note Page 7 line 7 states "step 208, the user selects the schematic configuration of the proposed circuit". This is inconsistent with FIG 2 element 208 which states "SELECT CIRCUIT CONFIGURATION". It appears that FIG 2 element 208 should read "SELECT SCHEMATIC CONFIGURATION".
- 20. **Regarding FIG 3.** See paragraph 23 below.

Abstract

21. **The abstract of the disclosure is objected to** because it is more than 150 words. Correction is required. See MPEP 608.01(b).

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Specification-objections

- 22. The Specification is objected to because of the following informalities. Appropriate correction is required.
- 23. Page 8 line 10 states "step 306...and stores the scalar values of the desired vector measurements". This is inconsistent with FIG 3 element 306 "STORE VECTOR MEASUREMENTS". Further, it is not clear what is meant by a scalar value of a vector measurement. Generally, in integrated circuit analysis, "vector measurements" refer to a set of measured values or parameters in a specific order, so that information may be efficiently stored and matrix manipulations may be made. These parameters may have different units such as volts, or amps, or binary logical values. A circuit analysis "vector" would have a dimensionality (number of dimensions) equivalent to the number of parameters, and these dimensions may have different units. However, a circuit analysis "vector" would not have a "scalar value" in the sense that a simple geometric vector would be defined by a unit directional vector and a magnitude (scalar value). To summarize, "magnitude" has little or no meaning for an integrated circuit output vector. Thus, the Specification is inconsistent with FIG 3, and is not clear.
- 24. Page 8 line 24 states "The **sensitivity** is the vector measurement calculated when a parameter value is varied from nominal minus the vector measurement when the parameter is nominal". Applicant's definition of "sensitivity" is inconsistent with the generally accepted meaning of sensitivity. Sensitivity is generally defined as a rate of change, similar to a derivative. For example, see Tucker's definition at Page 862, "Sensitivity analysis refers to methods of calculating the rates of change of: (1) response quantities...(2) optimum design variable values".

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- 25. The definition of "sensitivity" is important because it the word occurs in Claim 6.
- 26. Page 12 line 14 equation appears incorrect. Note that Page 12 line 8 states "the sensitivity of each of the measurements is squared", and that the equation does not square the sensitivity. The equation only squares one of the terms used in calculating the sensitivity. Possibly a set of parenthesis is missing from this equation. Possibly a square root is missing from this equation. Further, note that the sensitivity is not squared, but rather one of the parameters is squared. See the above definition of sensitivity. Thus, the written description of the equation also appears to be incorrect. See Beyer for discussion of standard deviations.
- 27. Page 13 line 27 states "a reference simulation is run and selected **scalar measurement** saved". It is not clear what is meant by "scalar measurement". See discussion above regarding "scalar values".
- 28. Page 13 line 28 states "the absolute value of the difference measurements are summed and saved". It is not clear what difference measurements are summed. See Beyer for discussion of Mean Deviations.
- 29. To summarize, the equations and the written descriptions (and the related claims) of the mathematical algorithms relating to RSS and EVA and WCS are both unclear and contradictory, as discussed above.

Specification-objections-incorp essential material-US patent App-Issued

30. Page 7 line 12 states "co-pending Patent Application, Serial No. 08/925,121. This application has apparently has matured into US Patent Number 6,230,305. Please amend the specification to refer to this issued patent.

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Claim Rejections - 35 USC § 112- first paragraph- enablement

- 31. The following is a quotation of the first paragraph of 35 U.S.C. 112: The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
- 32. Claims 1, and 5 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.
- 33. Claim 1 states "adding a perturbing routine". The Specification is enabling for some perturbing routines, but does not reasonably provide enablement for all perturbing routines. For example, perturbing routines associated with "sensitivity, RSS, EVA and WCS" are enabled at Specification Page 4 line 25. See MPEP §904.01(a), §2163.05, and §2164, and *In re Fisher*, 427 F.2d 833, 839, 166 USPQ 18, 24 (CCPA 1970) regarding scope of enablement.
- 34. Claim 1 states "adding an analysis routine". The Specification is enabling for some analysis routines, but does not reasonably provide enablement for all analysis routines. For example, analysis routines "sensitivity, RSS, EVA and WCS" are enabled at Specification Page 4 line 25.
- 35. Claim 5 states "pre-determined analysis". See above discussion regarding "analysis routine".
- 36. Claim 7 states "root summed square analysis involving a sum of the square of said difference between". Note that Specification Page 12 line 8 states "the sensitivity of each of the measurements is squared and summed", and that the equation does not square the sensitivity. Thus, the equation at Page 12 line 14 appears incorrect.

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37. The Examiner believes that the Applicant intends something like a standard deviation, but this is not clear from the equation, nor is it clear from the verbal description of the equation. See Beyer.

- 38. Claim 9 states "worst case by sensitivity analysis involving a maximum of an absolute value of said difference". Note that the Specification Page 13 line 28 states "the absolute value of the difference measurements are summed and saved". It is not clear precisely what difference measurements are summed. Also, there is no description in the Specification of finding a maximum.
- 39. It appears that Claim 9 confuses (and mixes) "extreme value analysis" with something similar to Beyer's Mean Deviation.

Claim Rejections - 35 USC § 112-Second Paragraph-indefinite claims

- 40. The following is a quotation of the second paragraph of 35 U.S.C. 112: The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 41. Claims 1, 5, 7, 8, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- 42. Claim 5 states "manipulates said nominal selected vector measurement in accordance with said pre-determined analysis". This phrase is not clear. The nominal selected vector serves as a reference or basis for sensitivity analysis. Thus, the nominal selected vector appears to remain constant. It is not clear how this nominal selected vector can be manipulated. See Specification Page 8 line 24 "The sensitivity is the vector measurement calculated when a

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parameter value is varied from the nominal minus the vector measurement when the parameter value is nominal".

- 43. Claims 7, 8, and 9 state "nominal selected vector measurement". This "nominal selected vector measurement" appears to serve as a constant or basis for calculations. Claims 7, 8, and 9 depend from Claim 5. Thus, Claims 7, 8, and 9 appear inconsistent with Claim 5's requirement that the "nominal selected vector measurement" is manipulated.
- 44. Claim 9 states "worst case by sensitivity analysis involving a maximum of an absolute value of said difference". It is not clear what difference measurements are summed.

Claim Interpretation

- 45. The claim language is interpreted in light of the specification. Limitations from the specification must not be imported into the claims, but definitions from the specification must be imported into the claims.
- 46. In Claim 1, the Examiner hereby interprets "**routine**" as automating a procedure by writing the associated algorithm into the computer program. For example, "perturbing routine" is interpreted as computer program steps performing "perturbing". "Simulation routine" and "analysis routine" are similarly interpreted.
- 47. In Claim 6, the Examiner hereby interprets "sensitivity analysis" according to Tucker's at Page 862, "Sensitivity analysis refers to methods of calculating the rates of change of: (1) response quantities...(2) optimum design variable values".
- 48. In Claims 7, 8, and 9, the Examiner hereby interprets "nominal selected vector measurement" as a constant or basis for calculations, despite the manipulations mentioned in parent Claim 5. See discussion above under indefinite claims.

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Claim Rejections - 35 USC § 103

49. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action: (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

- The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 - 1. Determining the scope and contents of the prior art.
 - 2. Ascertaining the differences between the prior art and the claims at issue.
 - 3. Resolving the level of ordinary skill in the pertinent art.
 - 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
- 51. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable.
- 52. <u>Claim 1 is rejected</u> under 35 U.S.C. 103(a) as being unpatentable over Bair in view of Legal Precedent (making automatic).
- 53. Claim 1 is an independent claim with 4 limitations, labeled A-D by the Examiner for clarity.
- 54. **A-perturbing** is disclosed by Bair at Column 3 line 10 "The circuit-level simulation is run under several different simulated conditions".
- 55. **B-simulation** is disclosed by Bair at Column 3 line 10 "The circuit-level simulation is run under several different simulated conditions".
- 56. **C-analysis** is disclosed by Bair at Column 3 line 10 "The circuit-level simulation is run under several different simulated conditions of power supply voltage and temperature characteristics to determine the worst and best case delay characteristics, rise and fall times".
- 57. Bair apparently does not expressly disclose "routine".

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- D-routine is disclosed by Legal Precedent. The Examiner hereby interprets "routine" as automating a procedure by writing the associated algorithm into the computer program.

 Specifically, In re Venner, 262 F.2d 91, 95, 120 USPQ 192, 194 (CCPA 1958) states "it is well settled that it is not "invention" to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result." Additionally, MPEP 2144.04(III) states "broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art."
- 59. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Legal Precedent (making automatic) to modify Bair. One of ordinary skill in the art would have been motivated to do this "Because of the labor-intensive nature of logic/timing model generation" according to Bair at Column 3 line 43.
- 60. <u>Claim 2 is rejected</u> under 35 U.S.C. 103(a) as being unpatentable over Bair in view of Legal Precedent (making automatic).
- 61. Claim 2 depends from Claim 1, with 1 additional limitation.
- 62. "adding tolerances" is disclosed by Bair at Column 3 line 12 "determine the worst and best case delay characteristics, rise and fall times".
- 63. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Legal Precedent (making automatic) to modify Bair. One of ordinary skill in the art would have been motivated to do this "Because of the labor-intensive nature of logic/timing model generation" according to Bair at Column 3 line 43.
- 64. <u>Claim 3 is rejected</u> under 35 U.S.C. 103(a) as being unpatentable over Bair in view of Legal Precedent (making automatic) and Legal Precedent (eliminating element).

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65. Claim 3 depends from Claim 1, with 1 additional limitation.

- 66. Bair apparently does not expressly disclose the additional limitation.
- 67. "removing parameter and vector save statements in said netlist" is disclosed by Legal Precedent (eliminating element). Specifically, MPEP § 2144.04(II)(A) states "Omission of an Element and Its Function Is Obvious If the Function of the Element Is Not Desired". The save statements are omitted because it is not desired to save the parameters and vectors during this analysis. Removing the save statements speeds the simulation and saves memory, there are no unexpected results from this omission.
- 68. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Legal Precedent (making automatic) and Legal Precedent (eliminating element) to modify Bair. One of ordinary skill in the art would have been motivated to do this "Because of the labor-intensive nature of logic/timing model generation" according to Bair at Column 3 line 43, and to increase speed and save memory by removing save statements.
- 69. <u>Claim 4 is rejected</u> under 35 U.S.C. 103(a) as being unpatentable over Bair in view of Legal Precedent (making automatic).
- 70. Claim 4 depends from Claim 1, with 1 additional limitation.
- 71. "reference simulation of said netlist to arrive at a nominal value for said selected vector measurement" is disclosed by Bair at Column 3 line 3 "The logic circuit and transistor circuits are then analyzed to determine what stimuli should be applied to the circuit level model to arrive at simulation results which will give the best indication of the delay characteristics of the circuit".

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72. <u>Claim 5 is rejected</u> under 35 U.S.C. 103(a) as being unpatentable over Bair in view of Legal Precedent (making automatic).

- 73. Claim 5 depends from Claim 4, with 1 additional limitation.
- 74. "manipulates said nominal selected vector measurement in accordance with said pre-determined analysis" is disclosed by Bair at Column 3 line 10 "The circuit-level simulation is run under several different simulated conditions of power supply voltage and temperature characteristics to determine the worst and best case delay characteristics, rise and fall times".
- 75. <u>Claim 6 is rejected</u> under 35 U.S.C. 103(a) as being unpatentable over Bair in view of Legal Precedent (making automatic) and Tucker.
- 76. Claim 6 depends from Claim 5, with 1 additional limitation.
- 77. Bair apparently does not expressly disclose the additional limitation.
- 78. "pre-determined analysis includes a sensitivity analysis" is disclosed by Tucker at Page 862 "Sensitivity analysis refers to methods of calculating the rates of change of: (1) response quantities...(2) optimum design variable values".
- 79. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Legal Precedent (making automatic) and Tucker to modify Bair. One of ordinary skill in the art would have been motivated to make automatic "Because of the laborintensive nature of logic/timing model generation" according to Bair at Column 3 line 43, and to analyze sensitivity in order to speed design optimization by identifying which outputs (response parameters) are the most sensitive.
- 80. <u>Claim 7 is rejected</u> under 35 U.S.C. 103(a) as being unpatentable over Bair in view of Legal Precedent (making automatic) and Tucker and Beyer.

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- 81. Claim 7 depends from Claim 6, with 1 additional limitation.
- 82. Bair apparently does not expressly disclose the additional limitation.
- 83. "root summed square analysis" is disclosed by Beyer at Page 727 "Standard Deviation".
- 84. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Legal Precedent (making automatic) and Tucker to modify Bair. One of ordinary skill in the art would have been motivated to make automatic "Because of the laborintensive nature of logic/timing model generation" according to Bair at Column 3 line 43, and to analyze sensitivity in order to speed design optimization by identifying which outputs (response parameters) are the most sensitive, and to evaluate the Standard Deviation to characterize the statistical variation of the simulation results.
- 85. <u>Claim 8 is rejected</u> under 35 U.S.C. 103(a) as being unpatentable over Bair in view of Legal Precedent (making automatic) and Tucker.
- 86. Claim 8 depends from Claim 6, with 1 additional limitation.
- 87. "extreme value analysis" is disclosed by Bair at Column 3 line 11 "different simulated conditions…best and worst case".
- 88. <u>Claim 9 is rejected</u> under 35 U.S.C. 103(a) as being unpatentable over Bair in view of Legal Precedent (making automatic) and Tucker.
- 89. Claim 9 depends from Claim 6, with 1 additional limitation.
- 90. "worst case by sensitivity analysis involving a maximum of an absolute value of said difference between said respective selected vector measurements and said nominal selected vector measurements" is disclosed by Bair at Column 3 line 5 "simulation results which will

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give best indication of the delay characteristics" and Column 3 line 12 "determine worst and best case".

- 91. Further note that Claim 9 apparently defines "worst case by sensitivity analysis" inconsistently with Specification Page 13 line 28 which simply states "the absolute value of the difference measurements are summed and saved". It is not clear what difference measurements are summed. Possibly the absolute value of the difference of the first parameter is summed with the absolute values of the difference of the second parameter and so forth. In this first possibility, the summation might involve summing parameters with different units (such as volts and amps), and such a summation would have little or no meaning, and little or no utility. Alternately, the absolute value of the difference of the first parameter may be summed with the absolute value of the difference of the first parameter simulation. In this second possibility, the result would be very similar to a Mean Deviation (see Beyer). In either possible speculative interpretation of the Specification, there is no finding of a maximum.
- 92. Claims 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable.
- 93. Claims 10-18 are "computer readable medium" claims with the same limitations as Claims 1-9 above, and thus are rejected for all the same reasons.

Conclusion

- 94. All claims are rejected. There does not appear to be any patentable material.
- Additionally, the single analysis equation, and the descriptions of the analysis routines, and the claims relating to the analysis routines appear incomplete and appear inconsistent. Any amendments relating to these routines should clearly explain why said amendments would not constitute new matter. See MPEP 706.03(o) and MPEP 2163.06 regarding new matter.

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Communication

- 96. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eduardo Garcia-Otero whose telephone number is 703-305-0857. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 7:00 PM.
- 97. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kevin Teska, can be reached at (703) 305-9704. The fax phone numbers for this group are:
- 98. (703) 746-7238 --- for communications after a Final Rejection has been made;
- 99. (703) 746-7239 --- for other official communications; and
- 100. (703) 746-7240 --- for non-official or draft communications.
- 101. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist, whose telephone number is (703) 305-3900.

* * * *